FOR MYSORE STATE

Revenue (1952) Department.

MS SERIES.

G.O. NO. 2441

Dated 29/8/52.

closed

5-9-52

supdt.

[Despatch Abstract.]

ms - (Bellary) Artizan loans - Carpent
ance - Bellary Tk - D - Kappalli vge - S. No. 12
ication - Resumption - Orders passed

REVENUE DEPARTMENT

2590343

Subject;

INAMS--(Bellary)--Artizan Inams--Carpetner Service--Bellary Taluk D. Kaggallu Village--S.No.12--Alienation--Resumption--Proposals Clarification--Requested.

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Madras. Ref.6946/51-2. Dated 2-4-1952.

Sri N.C.Thomas, B.A., Joint Secretary,
Board of Revenue

Sri W.R.S. Sattianathan, I.C.S., Commissioner of Land Revenue.

Read: From the Collector of Bellary, Ref.C.No.13416/51 B7 d/28-8-51
Board's Ref.I. 6946/51-1 d/ 18-9-51.
From the Collector of Bellary, Rc.No.13416/51 B7 d/ 19-12-51.

REFERENCE:

Submitted to the Government.

2. The Board has considered the issue how far the provisions of the Madras Hereditary Village Officers(Amendment) Act 1950 is applicable in this case. The need to conserve the service to the villagers in view of the Act has been put to the Collector definitely. The Collector of Bellary has stated that it is neither possible nor necessary to conserve the service. He therefore recommends that the land may be resumed to Government assessed fully and that the land revenue may be credited to the General Revenues. This will therefore be a clear case in which the villagers do not want the service and it is therefore futile to insist on its continuance. As this is a case in which the provisions of the Act cannot be implemented, The Board requests the orders of the Govennment whether the Colledtor's proposal can be agreed to and whether the land when resumed, should be treated as land at the disposal of the Government or whether a ryotwari patta may be granted to the purchasers of the land.

for Joint Secretary.

To the Secretary to Government, Revenue Department, Madras.

nedr.2-4.

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Copy of letter Ref.C. No.13416/51 B7 dated 28-8-51 from the Collector of Bellary addressed to the Secretary, Board of Revenue, Madras.

Sub: As above.

S.No.12 measuring A.C. 16-48 of D. Kaggallu village in Bellary Taluk consituted carpenter service inam. The inamders Kyadigemma and Earamma have alienated the entire field to (1) P.Rajanna and (2) B. Doddanna under a registered sale deed. The alienors have expressed their inability to redeem the land from the alienees and the latter also have stated that they cannot part with the land as they have spent a large sum for its reclamation

2.There has been cessation of carpenter service before the land was alienated by the inamdars. The Tahsildar Bellary, after enquiring the Village Officers and ryots of the vaillage, reports that nobody in the village is willing to render carpenter service

3. The title deed of the land is not forthcoming. There is no anchayat Board in the village. Proposals for the resumption of he inam have been submitted by the Tahsildar Bellary in the rescribed form.

4. S.No.12 of D. Kaggallu village may therefore be ordered to be esumed to Government and fully assessed under paragraph 2 of

paragraph 2 of B.S.O. 55 superseded by C.S.No.158/ 3-3-41. As nobody is willing to render the service for which the inam was granted, assessment on the land mayb be ordered to be credited to General Revenues under paragraph 2(1)(4) of B.S.O.55 superseded by C.S.No. 158/3-3-41.

5. The entire file containing 48 pages is enclosed for Board's perusal and return.

/True Copy/

Copy of letter Rc.No.13416/51 B7 dated 19-12-51 from the Collector of Bellary addressed to the Secretary, Board of Revenue, Madras.

Sub: As above overleaf.
Ref: This office Rc.No.13416/51 B7 dated 28-8-51.
Board's Ref.I. 6946/51-1 dated 18-9-51.

In continuation of proposals already submitted with this office reference first cited above, the following further proposals are submitted. The Tahsildar Bellary has reported that none is willing to render Carpenter service in the village of D.Kaggallu, either from the village or from neighbouring villages. The villagers of D. Kaggallu have stated that the lands may be resumed to Government. It is therefore not possible to conserve carpenter service to the villagers.

In the circumstances, the Board may be pleased to resume the land to Government, assess it fully, and order the land revenue to be credited to the General Revenues of the state.

/True Copy/

for Joint Secretary.

A R 4/7/52

1/7/917

⁄ new Dept

Memo no 20903 H/52-1 dated 19-5-52

Sub Inams – (Bellary) – Artizan Inams – Carpenter Service – Bellary Tk – D. Kaggallu Village – S.No 12 – Alienation – Resumption – Proposals – clarification – Requested.

Ref :- From the Collr of Bellary letter No. B/3416/51-B-7 dated 29.8.51
From the Bd of Rev Ref 6946/51-2 dated 2/4/52

The Collector of Bellary is requested to state whether the land in question was in the possession of the inamdar at any time on or after 14-7-1942. The information is required to decide whether the inam consists of the land and assignment of land Revenue.

19.5.52

The Collector of Bellary

Copy to the Bd of Rev (I.R.) for info.

19/5/52 19.5.52

K.N.R. 22.5.52.

In view

20/5/52

C. J.

R. issued on 19/6
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ADDITIONAL ASST. SECRETARY 4992H3 19 JUL

Rc.No. 18416/52 F.7

Collector's office, Bellary
dated 17.7.52.

From

Sri.D.R. Sundaram I.A.S.,
Collector, Bellary.

To

The Secretary to the Government,
Rev., Dept., Madras.

Sir,

Sub:- Inams - Artizan - Bellary District - Bellary Taluk - D. Kaggal village S.No. 12 - carpenter service alienated possession of land report submitted.

Ref:- Govt. Memo 209038/52.1 dated 19.5.52 and 8.7.52.

The artizan inam land S.No. 12 of D. Kaggal village was in possession of the inamdar on 14.7.42 and after it ~~xxx~~ till the date of alienation ie(5.5.48) The reply to the exchange reminder dated 19.6.52 was submitted from this office on 3.7.52.

A.K. 18/7.

For Collector

P1/P1-2 e f
P3 e f
P4 e f

Issue

Ref:- From the Bd of Rev Ref. 6946/51-2 d 2-4-1952
Memo no. 20903 H/52-1 dated 19-5-52
From the Collector of Bellary 14416/52 B.7.

G.O. Ms 2441 dated 29/8/52

In the circumstances stated by the Bd of Revenue the Govt exempt the Carpenter Service Inam Comprising of S. No. 12 of D. Kaggallu village in Bellary Tk. Bellary Dt from resumption & the land should be treated as Ryotwari at the disposal of the Govt.

Bd of Rev
Collr of Bellary

Revenue Department.

Sub: Inams - (Bellary) - Artizan Inams - Carpenter Service - Bellary Taluk - D.Kaggallu Village - S.No.12 - Alienation - Resumption - Proposals - Clarification - Requested.

Ref: From the Bd. of Rev. Ref.6946/51-2. dated 2.4.52.

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To A.S.

The Board's reference and the enclosures in the c.f. may be perused.

The file relates to the resumption of a carpenter Service Inam of D.Kaggallu Village in Bellary Taluk. The Service Inam was alienated by the original inamdars who themselves were not rendering the carpenter Service attached to the inam, even before the alienation. The Collector's report at pp.1-2 c.f. shows that the Tahsr. Bellary has reported after enquiry that no-body in in the village or in the neighbouring villages is willing to render carpenter service in that village. The villagers have stated that the inam may be resumed. The Collector, therefore recommends the resumption of the inam. He also recommends that the land revenue may be credited to general revenues. The Bd. of Rev. has stated that this is a clear case in which the villagers do not want the service and that it is therefore futile to insist on its continuance. The Board is of the view that the provisions of the Madras Hereditary Village Offices (Amendment) Act, 1950 cannot be implemented in this case In the circumstances the Board requests the orders of the Govt. whether (1) the lands may be resumed to Govt.;(2) whether after resumption the lands should be treated as land at the disposal of the Govt. or whether a ryotwari patta is to be granted to the purchasers of the land.

With reference to the first question above, it is submitted that under the provisions in B.S.O.55 as amended by C.S.No.158/5.3.41 and C.S.No.203/15.2.45 the Collector may order resumption of an artizan inam when the holder of the inam has refused or failed to

perform the prescribed Service. In the present case, as the inamdars themselves were not rendering the prescribed service at the time of alienation, it is a clear case of failure to perform the service and hence under B.S.O.55-2(a) III the inam land in question can be resumed.

Secondly, the Board requests the orders of the Govt. as to how the land should be treated after resumption. In the circumstances stated in the Collector's reports at pp.1-2 c.f. it appears true that the provisions of the M.H.V.Os (Amendment) Act, 1950 cannot be implemented in this case. Accordingly to sub-para 1 under B.S.O.55-2(a)iii, when the inam consists of assessment on the land and not the land aslo, Govt. have power to interfere only with the assessment on the land but not with the possession of the land itself. Under B.S.O. 5-3, where the holder of the inam is a village artizan a village servant falling under class (4) in section of the Madras Hereditary village officers Act, 1895 nd the land was on or at any time after the 14th July, 942 in the possession of the person then holding the ffice, the Collector shall in the absence of evidence o the contrary, presume that the emoluments of the ffice consist of the lands and not merely of an assignnt of revenue payable in respect of the land. From he Collector's report it is not clear whether the land was in the ossession of the inamdar ~~on~~ or at any time after 14.7.1942. The inam land can, it appears, be treated as at the disposal of the Govt. if it is known that it was in the possession of the inamdar at any time on or after 14.7.1942. The Collector may be asked to report on this point. Subject to orders a draft memo is submitted for approval.

13/5/52 14.5.52

19.5.52

p3 c.
p4 c.

To the Collr of Bellary Memo 20903 H/52-1 dt 19-5-52
From the Collr of Bellary ~~Memo~~ Rep no 14616/52B.5 dt 17/7/52

To AS

The ~~Collr~~ Notes from p1 above may be perused.

The Collector has now reported that the artizan inam land was in the possession of the inamdar on and after 14-7-42 till 5-5-48. Hence, it may be presumed that the inam consists of land as well as land revenue. After resumption the land may therefore be treated as one at the disposal of the Govt. The purchasers of the land cannot it seems claim any right. Legal (Opinions) may see for remarks

'A'

1/8/52

24/7/52

2-7-52

1-8-52

Legal (Ops)

Legal (Ops)

Rev n.o 20903 H/52-1

6/8/52

ASSISTANT SECRETARY 12637 7-8-1952 LEGAL DEPARTMENT

Legal (Opinions) Department.

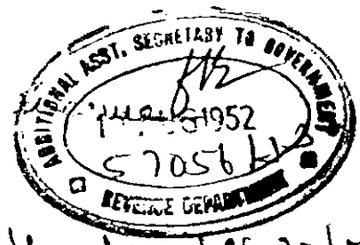
According to proviso (ii) to section 13(1) of Madras Act III of 1895, in the absence of evidence to the contrary, the carpenter service inam in this case should be presumed to consist of the land and not merely of an assignment of the revenue payable in respect of it. The Collector has reported that the title deed of the land is not forthcoming. This means that the presumption referred to above cannot be rebutted. On resumption of the inam, the land (and not merely the land revenue) will be at the disposal of the Government and it will be open to them to deal with the land in any manner they think fit. The purchaser will have no claim to the land. Whether he should be allowed to continue in possession on payment of the assessment, or whether the land should be assigned

to some other person, is a matter for Revenue to consider.

C. No. 209

K.G. Vizvanathan. 9.8.52
K.N. Majagopalan "

Rev. dept



To AS

The notes ~~from Legal~~ from p 8 above may be perused. ~~That~~ Legal Dept have agreed to the proposal of this Dept at 'A' on p 3 above.

A draft order is submitted for approval

Yegal Co [2632/52+

9/8/52

21.8.52

25/8/52

H (LR)

R. (L.R.) M.A. Nambiar

28/8.